Fourthly, every foreman has to prepare a minute of the proceedings at every instalment of the chitty and file a copy of the same with the Registrar;

Fifthly, every foreman is bound to keep a certain set of books, and a copy of alterations in the entries by the appointment of a substitute for a defaulting subscriber or by the recognition of an assignment by a non-prized subscriber has to be filed with the Registrar;

Sixthly, if the prize amount due for any instalment remains unpaid till a week before the next instalment, the foreman should invest the same in some Government Savings Bank or other security approved by the Government and a copy of the acknowledgment or record evidencing investment has to be filed with the Registrar;

Seventhly, the circumstances under which a chitty may be deemed to have terminated are also detailed;

Eighthly, the inspection of the books kept by a foreman is provided for;

Ninthly, the inspection of documents in the Registrar's office by any person is allowed on payment of a fee, and he may also have a copy or extract of the same on payment of a prescribed fee; and

Tenthly, interest at the rate of more than 18 per cent. per annum in the case of grain cannot be awarded.

The new provisions are not very many and I believe compliance with these provisions by an honest foreman may not be a matter of any difficulty. I may add that the draft Bill was referred to the Honourable High Court for their views. They observe that they 'have already expressed their conviction that legislation on the subject is both desirable and feasible and the draft Bill before them has only confirmed it. The Bill appears to have firmly faced the mischief which the Legislature proposes to remedy and has made provisions against it which seem generally to be effective and satisfactory'. They have, however, made a few suggestions and several of them have been accepted. The remaining few have to be considered by the Select Committee and by the Council when the Bill is considered clause after clause. I hope the Bill will meet with the approval of the public. I therefore beg to move that the principle of the Bill be affirmed by the Council."

Seconded by Mr. Rengaswami Aiyengar.

Carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Vieyra, Subrahmanya Aiyar, Rengaswami Aiyengar, Mahadeva Aiyar, Sesha Aiyar, Parameswaren Pillai, Velu Pillai, Kumara Pillai and the Mover, to report within four months.

Seconded by Mr. Rengaswami Aiyengar.

Carried.

THE NANJINAD VELLALA BILL.

Mr. Subba Aiyar said that it was seen, from the memorials submitted to Government by members of the Nanjinad Vellalla community, that the community wanted a more comprehensive Bill containing provisions relating to the power of testamentary disposition, intestate succession, &c., and that the Bill, as it was, did not satisfy them. He therefore moved for permission to withdraw the Bill.

Seconded by Mr. Vieyra.

Carried.

THE MARKETS BILL.

Mr. Subba Aiyar presented the report of the Select Committee on the Markets Bill, and moved that the report and the Bill be taken up for consideration by the Council.

Seconded by Mr. Mahadeva Aiyar.

Carried.

The provisions of the Bill having been approved by the Council, Mr. Subba Aiyar moved that the Bill be read again on a future day of which notice should be given.

Seconded by Mr. Vieyra.

Carried.

THE CHRISTIAN SUCCESSION BILL.

Section 3.

Mr. Subba Aiyar moved that the words "date on which this Regulation comes into force be substituted for the words "first day of.....109 ", occurring at the end of Section 3.

Seconded by Mr. Rengaswami Aiyengar.

Carried.

Section 26.

Mr. Subba Aiyar moved that the words "or descendants" be inserted after the word "descendant", that the words "solely or jointly" be inserted after the word "shall", and that the word "they" be substituted for the words "he or she", occurring in line 4 of Section 26, in order to make the meaning more clear.

Seconded by Mr. Kuriyan.

Carried

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Section 32.

Mr. Subba Aiyar moved that the word "Sirkar" be substituted for the last word "Crown" in Section 32.

Seconded by Mr. Mahadeva Aiyar.

Carried.

Mr. Subba Aiyar then moved that the Bill be finally read and passed.

Mr. Kuriyan, in seconding the motion, spoke as follows :—

" Sir,

In seconding the proposition moved by the Additional Head Sirkar Vakil, I beg to make a few remarks about the Bill, with reference particularly to the Syrian Christian community in which term I wish to include the Syro-Protestants, the Syro-Catholics and the adherers of the Mar Thoma and Orthodox churches. The members of this community were loudest and most eager in asking for an Intestate Succession Act. Some of them went so far as to say that, if such an Act was not passed, the community will soon be ruined by litigation. It was also this community that made itself most heard at the time the Committee went about collecting evidence. This evidence showed that there was nearly absolute unanimity on the points, *viz.*, the need for legislation and that the legislation should not be sectional but should be for all classes of Christians. Looking at the constitution of the Committee, we find four out of the seven Members of the Committee belonged to this community including the two office-bearers, the President and the Secretary and the four Members represented the four sections of the Syrian Christian community I have mentioned. It is true that one of the Members wrote a dissenting memorandum opposing the views of the Commission as a whole and another wrote a dissent on a few points. But even these gentlemen cannot allege that they have not had a sufficient hearing. The Bill in its final shape shows abundant evidence that these dissentient opinions have had considerable weight attached to them both in the Select Committee and the Council.

Again, among the Members of the Council who discussed the Bill, all the Indian Christian Members belonged to the Syrian Christian Community and all of them served on the Select Committee. One of these Members drafted a Bill amending the draft Bill of the Commission and circulated it widely among the lay members and the religious heads of the community and thus obtained a valuable gauge of the trend of feelings of the community. From the report of the Select Committee and the amendments proposed by them, we see that the changes the Select Committee made were all made with the view of placating the views of the Syrian Christians. The only amendments moved at the last discussion of the Bill in the Council were also moved in deference to the wishes of the Syrian Christian community. If you consider all this I think you will admit, Sir, that the Syrian Christian community has had a very liberal representation and a very fair hearing at all stages of the Bill. It has made its voice heard and felt in the final shaping of the Bill. It was only on two small points, *viz.*, the inheritance of minors from their mother and the question of life-estate over movables that the Council was not able to listen to what purported to be the views of the conservative portion of the Syrian Christian community. We have seen that the community ardently wished for a Bill and for a Bill in common with other Christian communities in the State. The Council has had ample opportunity of hearing all what the community had to say. I can only say that if the Bill as settled by the Council is not entirely to the liking of the conservative section of the Syrian Christian community, that community as a whole must view these little differences as the price they have to pay for getting a law common to all Christian communities. I am glad to say that a very large section of the community including many religious Heads view the Bill in that light. But, Sir, Government and this Council must view the Bill as a Bill for all Christians. It must also be remembered that the non-Syrian Christian population of the State is at present as large if not larger than the Syrian Christian portion of it and all these other communities are entirely satisfied with the Bill.

I must also mention that among the Syrian Christians and perhaps also among others there is a small body of people including however some of the most learned among them, who argue that the Bill does not go far enough and so should not be passed. Several of these people say that nothing short of the Indian Succession Act which makes absolutely no difference between the rights of males and females is consonant with the dictates of the Christian religion. Some of them also say that unless such a Bill can be passed, it will be a mistake to crystallise the laws of inheritance in a formally promulgated law because such a step will arrest the development of the community towards this ideal. I have great sympathy with these views. But past experience shows that in the absence of a Bill, judge-made law has just the same tendency of crystallising present customs, and progress, if any, has not been always in the upward direction. The great advantage of having a law is that thereafter the discussion need be only on single points. No one will venture to say that the present Bill is perfect. The Members of the Council are more aware of its defects than perhaps any outside critics. This Bill if passed may have to be amended in some little details and that perhaps soon. But the basis of the Bill is correct and the necessary small improvements can be made by amendments, discussing them point by point, and not by up-heaving the whole community as the consideration of the Bill seems to have done. I have sufficient confidence in the considerateness of Government and the solicitude of His Highness the Maha Raja for the welfare of his people and the good sense of this Council to think that they will welcome such amendments and thus gradually improve this law of succession for the Christian population of the State, so as to make it more and more in accordance with the rapidly changing conditions of that community".

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Mr. Daniel supported the motion in the following words :—

" Sir,

I am sure I am voicing the opinion of the vast majority of the thoughtful and intelligent Christian subjects of His Highness the Maha Raja when I say that the various Christian communities in this State will be extremely thankful to find that the Christian Succession Bill has at last been finally passed by the Legislative Council. The want of a clear and definite law of inheritance has been greatly felt by the thoughtful members of the community, by the legal practitioners who were called upon to give advice in cases of disputed succession and by the Civil Courts who had ultimately to decide the disputes that arose from time to time. Now that, after nearly four years of controversy, the Bill has a very fair prospect of finding a place on the Statute Book of our State, it will be no exaggeration to say that a sense of relief will be felt by those well-wishers of the Christian community who have been following the progress of the Bill during these years. Speaking for the section to which I have the honour to belong, I venture to say that my community accepts the Bill as a fair compromise of the divergent and unsettled usages obtaining in different parts of the country. Seeing that I had neither part nor lot whether inside the Council or outside it in giving shape to the provisions of the Bill, it is clear that my opinion, however insignificant it may be, cannot be ascribed to that bias which critics may perhaps with some show of reason attribute to those who have ungrudgingly devoted their time and attention to this labour of love.

Sir, as you are well aware, social legislation is at all times and in every country beset with difficulties of various kinds. No doubt the difficulty is to a considerable extent minimised in a small and compact State like Travancore where a Sovereign of exceptional sympathy and vast experience exercises his personal and beneficent sway over a contented people who know the great solicitude which their beloved Sovereign shows for their welfare. But, notwithstanding this very great advantage, we have certain difficulties of our own. In spite of all our progress in education the mass of the population has not advanced beyond the stage in which they accept without question whatever appears in print. In fact, the bulk of the people do not think for themselves on most questions of public interest but are content to leave that work to contributors to newspapers. One unfortunate consequence of this is the abuse of the blessing of a free Press; any one who takes it into his head to write to the newspapers and uses a few catch-words and phrases with a show of reason can easily get a following and it will at first sight be difficult to ascertain the real trend of public opinion. Fortunately, this Bill has been before the Legislative Council and the public for nearly four years; consequently any one who cared to critically study the subject and form an opinion of its merits and demerits has had ample opportunity to do so. The fact that the Bill was for many months before the public during each stage of its progress shows conclusively that the public were given the fullest opportunity to express their views at every stage of the discussion.

It will not be out of place for me to remind the Council that this Bill is mainly on the lines of the recommendations contained in the report of the Christian Committee. The Members of the Committee were selected according to the suggestions of the Christian representatives of the Sri Mulam Popular Assembly. It is also noteworthy that all the Christian Members who have sat in this Council during the last four years have given their support to the Bill in its present form. From a memorial recently presented to His Highness the Maha Raja it will be seen that many of the enlightened and honoured members of the community have also given this Bill their approval and that some of the European and Indian Bishops and Missionaries have also expressed their desire to have this Bill passed into Law. Surely, a Bill which, after it has been before the public for such a long period, has received so much support from all quarters must be beneficial to the Christian community.

I do not pretend to believe that this Bill when brought on to the Statute Book will by itself usher in an era of unclouded prosperity for the various sections of the Christian community. But I do venture to say that it will exert a beneficent and far-reaching influence upon the material and moral progress of the community.

Before I sit down, let me thank the Members of the Legislative Council for the sympathetic consideration which they have given to the Bill; in particular I wish to express my gratitude to the Members of the Select Committee two of whom are unfortunately not on the Council at present; nevertheless it will be a matter of great satisfaction to them to know that their labours have not been in vain. Our thanks are due in a large measure to the Additional Head Sirkar Vakil for the skilful manner in which he has piloted the Bill throughout its course. I am sure it must have cost him much labour, worry and anxiety. Above all we have to thank you Sir, in your capacity as the President of this Council, for the tact and sympathy with which you have guided the deliberations of the Council on this measure. I am not using language of vain exaggeration when I venture to say that future generations of the Christian subjects of Travancore will remember you all with gratitude. I thank you all once more."

President.

Gentlemen,

Before I put the motion that is now before the Council, to the vote, I think it may not be inappropriate if I say a few words with reference to this Bill. The question of enacting a law defining the rights of succession to property among the Christians, particularly the Syrian Christians, was first brought to the notice of the Government at the Second Session of the Sri

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Mulam Popular Assembly in 1905 by Mr. Ouseph Kunju Avira Tharakan, Member for the Travancore and Cochin Roman Catholic Christian Association, Kottayam. The Government did not then take any action upon the representation. The subject was again brought to the notice of the Government at the next Session of the Assembly by several Members. Among them were Messrs. C. P. Thomas, B. A., L. T., Member for the Travancore and Cochin Christian Association, Varkki John, Member for the Travancore and Cochin Roman Catholic Association and Idichandy, Bar-at-Law, Member for the Mavelikara taluk. It was represented by these gentlemen that the condition of the law of inheritance applicable to the Christian community in Travancore was of the most unsettled kind and that the want of a codified law on the subject was a great hindrance to the progress of the Indian Christians in this State. In all these representations, the Members unanimously requested that a Commission might be appointed to enquire into and report upon the various customs obtaining in the several localities of the State and among the several sections of the Christian communities. Even then, the Government did not take action. Again, at the next Session of the Assembly, *i. e.*, the Fourth Session, Mr. T. C. Cheriyan, Member for the Travancore and Cochin Christian Association, Mr. Mathew B. A., Member for the Karthigappally taluk and Mr. R. V. Kolandaswamy Pillai, Member representing the Catholic Indian Association, Trivandrum, again made representations practically on the same lines. Government did not take action on these representations also. Again, the subject was pressed upon the Government at the Sixth Session of the Assembly by Mr. N. C. Varghese, Member for the Travancore and Cochin Christian Association and Mr. Uthuppan Thomman, Member for the Changanacherry taluk. The Dewan then took the opinion of the Christian Members of the Assembly on the subject of the representation and asked them whether they wanted any legislation to be undertaken by the Government. These gentlemen were for appointing a Committee to enquire into the matter. The views expressed by them were then noted. Subsequent to that, several Church dignitories like the Most Revd. Mar Dionysius, the Syrian Metropolitan, Kottayam, the Right Revd. Mathew Makil, the Bishop of Changanacherri, the Right Revd. C. H. Gill, Bishop of Travancore and Cochin, the Most Revd. Mar Thomma Malabar Metropolitan, Chenganur, wrote to the Government, representing that there was a great deal of confusion and uncertainty about the law of succession and inheritance obtaining among the Indian Christians of Travancore and that there was a necessity for appointing a Commission to enquire into and report on their customs. They also expressed the firm belief that the Government would bestow their best consideration on the subject. Then, at the next Session of the Assembly also, *i. e.*, at the Seventh Session, Mr. Mathulla Mappila and the Very Revd. Eippa Thoma Kathanar, Members, repeated the request that was made at the previous Sessions of the Assembly, for the appointment of a Commission. My predecessor again took the opinion of the Christian Members present in the Assembly and all of them except one supported the proposal. Mr. Rajagopalachari who had great experience in matters of this kind, evidently thought then that the Government would be lacking in their duty, if, after all these representations made by the Members of the Assembly and other gentlemen occupying high and important positions in the Christian community, Government did not take action. Accordingly, the Government appointed a Committee to make enquiries and submit a report. The Committee, as Mr. Kuriyan just now told us, consisted of representatives from different sections of the Christian community. Only Christian members sat on it. The President of the Committee was a Christian officer of experience, status and ability. The Committee visited most of the important Christian centres in Travancore and examined as many as 985 witnesses. Besides these 985 witnesses who gave their evidence before the committee, as many as 300 gentlemen sent in their written representations. The Committee considered this evidence and these representations carefully and submitted their report with a draft Bill. The report and the draft Bill were published in the Gazette of the 27th August 1912, and the Government invited criticisms thereon from the members of the community concerned. Six months after the publication of the report and the Bill, the Additional Head Sirkar Vakil, Mr. Subba Aiyar moved in this Council for permission to introduce the Bill, and the permission was granted. On the 5th June 1913, *i. e.*, about 9 months after the publication of the report and the Bill, the Bill was introduced in this Council. The Christian Members who were then in the Council unanimously accepted its principles and the Bill was referred to a Select Committee.

In this connection, I wish to refer to one circumstance. Just before the introduction of the Bill, the strength of the Council which till then was 11, had been increased to 15, and with the sole object of enabling the Council and the Government to get the assistance of a comparatively large number of Christian Members in the matter of this Bill, two, out of the four new Members, were nominated from the Christian community.

The Select Committee to which this Bill was referred consisted of six Members. Of these, four were Christian gentlemen and the remaining two were experienced lawyers. In fact, all the Indian Christian Members of the Council were also made Members of the Select Committee.

A large number of petitions and telegrams regarding the Bill which the Government had received, mainly from the members of the Syrian Christian community were considered by the Select Committee. After careful deliberations extending over a period of one year and eight months, the Select Committee submitted their unanimous report in February 1915. The Select Committee stated that, as far as possible, they tried to reconcile the various conflicting interests and opinions. Although three of the Members of the Select Committee were Syrian Christian

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gentlemen, no dissenting minute was recorded by any of them. The report of the Select Committee and the Bill as revised and amended by them were published in the Gazette dated the 16th February 1915, and were before the public for about 10 months.

After the publication of the Select Committee's report and the revised Bill, many Christian gentlemen including members of the Syrian Christian community, whose opinions are entitled to weight and are valued very much by me, represented to me in friendly conversations that the consideration of the report and the Bill was being unduly delayed by the Government, and that such delay was detrimental to the interests of the Christian community. Ultimately, the report and the Bill were taken up for consideration in this Council about this time last year. You may remember that I stated then that the Government had no special interest in the Bill, and that I invited a free discussion on its provisions. In the discussion that ensued, you bestowed your careful and anxious consideration on the detailed provisions of the Bill and after a lengthy debate, passed the various Sections of the measure by overwhelming majority. All the objections that were raised in the petitions received both before and after the Select Committee submitted their report, were considered in this Council when the provisions of the Bill were settled.

After the Council settled the Bill in its present form, some objection petitions have been again received. The objections raised in these petitions are the same as those that were raised in the previous petitions. These objections relate mainly to the provisions of Section 13 which enacts that there shall be no difference for the purpose of succession between the property of a male and that of a female, Section 24 which gives the widow absolute rights over the immovable property to which she becomes entitled and Section 28 which prescribes that the daughter's stridhanam shall be fixed at one-fourth the value of the share of a son or Rs. 5,000, whichever is less. These objections proceed mainly from the Syrian Christians. It may be stated in this connection that as many as 722 of the 985 witnesses examined by the Commission were Syrian Christians, and that a large number of the Syrian Christian witnesses, not to speak of witnesses from other sections of the Christian community, supported the provisions contained in these Sections. The Government therefore feel that the provisions in these Sections as settled by you are in accordance with the wishes expressed by a large section of the community affected. It is also worthy of note that repeated prayers for the appointment of a Commission came mainly from the members of the Syrian Christian community.

Memorials have also been received to the effect that the Government would be doing an injury to the Christian community as a whole if the Bill be dropped, inasmuch as the recent discussions regarding the law of succession among the Christians have made the doubtful points still more doubtful, and that if the Government stop short at this stage, greater confusion will be the result. It has also been pointed out that for more than 40 years almost all the Judges of the late Sudder and the present High Court who have had anything to do with the disputed succession to property among Christians in Travancore, have lamented the want of a statutory law on the subject. Besides, the Right Revd. Mar Alexander, Choolaparambil, Bishop Vicar Apostolic of Kottayam, the Right Revd. C. H. Gill, Bishop in Travancore and Cochin, and the Right Revd. Mar Aloysious Pereparambil, Bishop of Ernakulam, the last of whom has under his jurisdiction a large number of Churches in Travancore, have all written to Government urging that the Bill before the Council should be proceeded with and passed.

After all this, I think it will be a great calamity if the Bill is to be given up. I have no doubt that the opposition to the Bill, so far as it exists, is *bona fide*. It has, however, to be borne in mind that the Bill only regulates succession to the property of an intestate. It does not in any way interfere with the power of testamentary disposition. The Government will also be prepared to introduce the necessary amendments if in the working of the Bill it is, in any way, found to be defective. The council and the Government believe that a very large section of the community desire that this measure should be passed.

I hope that the members of the community affected by this measure will realise from the statement that I have now made, that neither the Government nor the Council have any intention of passing a Regulation which is against their wishes.

I wish to take this opportunity of expressing the appreciation of Government of the good work done by the Additional Head Sirkar Vakil Mr. Subba Aiyar in connection with this Bill. As Mr. Paul Daniel has pointed out, Mr. Subba Aiyar has taken considerable pains and displayed much tact in piloting this measure through the Council".

The motion was carried *nem con.*

The Council adjourned at 2-35 P. M.

M. KRISHNAN NAIR,
President.

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